

Senate Bill 4 on Second Reading

Senator Herring moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 4 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 4, A bill to be entitled "An Act to repeal Senate Bill 984 of the 62nd Legislature of the State of Texas, Regular Session, pertaining to the salaries of the County Court at Law No. 1 and County Court at Law No. 2, of Travis County, Texas."

The bill was read second time and was passed to engrossment.

Senate Bill 4 on Third Reading

The Constitutional Rule requiring bill to be read on three several days having been suspended the President laid S. B. No. 4 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

Aikin	Bridges
Bates	Brooks
Beckworth	Christie
Bernal	Connally
Blanchard	Creighton

Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word
McKool	

Memorial Resolutions

S. R. No. 4—By Senator Snelson: Memorial resolution for Mrs. G. H. Crone.

S. R. No. 6—By Senator Aikin: Memorial resolution for Mrs. J. C. DeShong (Amended).

Welcome and Congratulatory Resolutions

S. R. No. 5—By Senator Snelson: Extending congratulations to Judge Horace Ernest Resley on his retirement.

S. R. No. 7—By Senator Watson: Extending welcome to Jack Ferrell.

Adjournment

On motion of Senator Aikin the Senate at 9:17 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

THIRD DAY

(Thursday, June 3, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message From Governor

The following message received from the Governor was read and referred to the Committee on Nominations:

Austin, Texas,
June 3, 1971.

To the Senate of the Sixty-second Legislature, First Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Sabine Bar, Pass and Tributaries: For four-year terms to expire February 1, 1975: Captain James William Throgmorton of Groves, Jefferson County; Captain Daniel Joseph Bromley, of Groves, Jefferson County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Senate Resolution 15

Senator Aikin offered the following resolution:

Whereas, The Senate of the State of Texas is honored today by the presence of Thomas Lee Schwartz, son of Senator and Mrs. A. R. Schwartz; and

Whereas, Thomas is a concerned young man, interested in the affairs of State government; and

Whereas, Thomas is in the Capital City to observe the Texas Legislature in Session; now, therefore, be it

Resolved, That the Senate of the State of Texas extend to him, distinguished Texas citizen, its warmest welcome and that Thomas be made an Honorary Page of the Senate for the day of June 3, 1971; and, be it further

Resolved, That a copy of this Resolution, bearing the seal of the Senate be prepared for Thomas as a memento of his visit in the Texas Senate.

The resolution was read and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
June 3, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 1. House Conferees: Jones of Lubbock, Haynes, Murray, Doran, Shannon.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 5 on First Reading

The following bill was introduced, read first time and referred to the Committee indicated:

By Senator McKool:

S. B. No. 5, A bill to be entitled "An Act relating to the time and method of making nominations for offices which are filled by election; the time of holding and the method of administering, conducting, and financing primary elections; nominations made by other methods, including nominations for city offices; the organization, officers, conventions, and other affairs of political parties; and related matters; amending, revising, and rearranging all of Chapter 13 (Sections 179 through 236), Texas Election Code (Articles 13.01 through 13.59, Vernon's Texas Election Code); also amending the Texas Election Code as follows: amending Subsection (d) of Section 15 (Article 3.01), Subsections (b) and (c) of Section 22 (Article 3.08), Section 1 of Section 32a (Article 4.10), Paragraph (5), Subdivision 1a of Section 37 (Article 5.05), Subsections (b) and (e) of Section 58 (Article 6.02), Sections 3 and 10 of Section 79 (Article 7.14), Paragraph (c), Subdivision 5 of Section 80 (Article 7.15), Subsection (b) of Section 104 (Article 8.22), Section 106 (Article 8.24), Sections 1, 2, and 3 of Section 107 (Article 8.25), Paragraph (1), Subsection (a) of Section 111b

(Article 8.29b), Section 112 (Article 8.30), and Paragraph (a), Subdivision 2 of Section 166a (Article 9.38a); adding Paragraphs (e) and (f), Subdivision 1 of Section 61c (Article 6.05c); making the Act effective only upon certain conditions; and declaring an emergency."

To Committee on Privileges and Elections.

House Bill 3 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 3, A bill to be entitled "An Act relating to the taxation and regulation of the importation, sale, preparation, and service of certain alcoholic beverages; providing for administration and enforcement under regulations promulgated by the Texas Alcoholic Beverage Commission; and prescribing penalties; etc.; and declaring an emergency."

The bill was read second time.

Senator Wilson offered the following amendment to the bill:

Amend H. B. 3 by striking out Section 4 and by renumbering the succeeding sections to conform.

The amendment was read.

Senator Christie moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—20

Bates	Herring
Beckworth	Kothmann
Bernal	McKool
Blanchard	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Harrington	Snelson
Harris	Watson

Nays—9

Aikin	Mauzy
Brooks	Wallace
Hall	Wilson
Hightower	Word
Jordan	

Absent

Bridges	Kennard
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Senator Bates offered the following amendment to the bill:

Amend House Bill 3, Section 9 adding thereto a new subsection (c) which shall read as follows:

"(c) Any primary American source of supply for any brand of distilled spirits or wine who sells in Texas must sell, without discrimination, to any person, firm or corporation who holds a wholesaler's permit under the Texas Liquor Control Act."

The amendment was read.

Senator Christie moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Beckworth	McKool
Christie	Moore
Creighton	Patman
Grover	Ratliff
Harrington	Schwartz
Harris	Sherman
Herring	Wallace
Jordan	Watson
Kennard	Wilson
Kothmann	

Nays—9

Aikin	Connally
Bates	Hall
Bernal	Snelson
Blanchard	Word
Brooks	

Absent

Bridges	Mauzy
Hightower	

Senator Brooks raised the following Point of Order:

"Mr. President: I respectfully raise the Point of Order against further consideration of House Bill 3 on the grounds that it violates Article 1, Section 16 of the Texas Constitution. Specifically, Section 7 of House Bill 3 is obviously in direct conflict with Article 1, Section 16 of the Texas Constitution."

BROOKS"

The President declined to rule on the Point of Order, stating that the President could not rule on the constitutionality of a measure.

On motion of Senator Christie and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 3 on Third Reading

Senator Christie moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent

Bridges

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Harrington
Bates	Harris
Beckworth	Herring
Bernal	Hightower
Blanchard	Jordan
Bridges	Kennard
Brooks	Kothmann
Christie	Mauzy
Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Ratliff

Schwartz
Sherman
Snelson
Wallace

Watson
Wilson
Word

Report of Standing Committee

By unanimous consent, Senator McKool submitted the following report for the Committee on Privileges and Elections:

S. B. No. 5.

Senate Bill 5 Ordered Not Printed

On motion of Senator McKool and by unanimous consent, S. B. No. 5 was ordered not printed.

Message From Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas,
June 3, 1971.

To the Members of the 62nd Legislature, First Called Session:

I hereby submit as additional subjects for consideration in the First Called Session, the following legislation:

1. To enact measures providing an alternate method of financing and operating the state party primaries.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Senate Bill 5 on Second Reading

Senator McKool moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 5 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Grover
Bates	Hall
Beckworth	Harrington
Bernal	Harris
Blanchard	Herring
Bridges	Hightower
Brooks	Jordan
Christie	Kennard
Creighton	Kothmann

Mauzy	Sherman
McKool	Snelson
Moore	Wallace
Patman	Watson
Ratliff	Wilson
Schwartz	Word

Nays—1

Connally

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 5, A bill to be entitled "An Act relating to the time and method of making nominations for offices which are filled by election; the time of holding and the method of administering, conducting, and financing primary elections; etc.; and declaring an emergency.

The bill was read second time.

(President Pro Tempore in Chair.)

Senator Creighton offered the following amendment to the bill:

Amend Senate Bill No. 5 by striking all below the enacting clause and substituting the following:

Section 1. Section 185a, Texas Election Code, as amended (Article 13.07a, Vernon's Texas Election Code), is amended by adding Subsection (3), to read as follows:

"(3) Notwithstanding any provision in this section, in Section 193, or in any other section of this code, if a candidate is unable to pay the deposit or filing fee as required by Subsection (1) of this section, in lieu of payment he may file with his application an affidavit of inability to make the payment, as provided in Section 186c of this code, and his entitlement to have his name placed on the primary ballot shall then be determined in the manner stated in that section."

Sec. 2. Subsection (1), Section 186, Texas Election Code, as amended (Article 13.08, Vernon's Texas Election Code), is amended to read as follows:

"(1) Prior to the assessment of the candidates, the county committee shall carefully estimate the cost of printing the official ballots, renting polling places where same may be found nec-

essary, providing and distributing all necessary poll books, blank stationery and voting booths required, compensation of election officers and clerks, and all other necessary expenses of holding the general primary and second primary in such county and on the second Monday in the February preceding each primary, shall apportion such cost in such manner as in their judgment is just and equitable among the various candidates for nomination for district, county, and precinct offices only as herein defined, except the offices of Justice of the Court of Civil Appeals and member of the State Board of Education. Where a district office covers more than one county, the assessment of such candidate by the county shall be not more than a sum which is the quotient of the amount which he would be assessed if he represented only one county determined by the formula used to assess county candidates, when divided by the number of counties in his district. In making the assessment upon any candidate the committee shall give due consideration to the importance, emolument, and term of office for which the nomination is to be made. The committee may not assess any candidate an amount in excess of five per cent of the total compensation payable for the particular term of office (full or partial) which he is seeking. Within 24 hours after adjournment of the meeting, the chairman shall mail to each person against whom an assessment is made a notice stating the amount of the expenses apportioned to him and informing him that on or before the fourth Monday in February he must pay to the chairman the difference between the amount apportioned to him and the amount of the deposit which accompanied the application which he filed with the chairman, or he must file the affidavit provided for in Section 186c of this code if he is financially unable to pay that amount. No person's name shall be placed on the ballot unless he complies with these requirements within the prescribed time. The notices shall be sent to the candidate by registered or certified mail, and the chairman shall obtain a receipt for each letter, postmarked by the post office at which the letter is mailed, as evidence of the mailing, and shall preserve the receipts for a period of three months."

Sec. 3. Section 186, Texas Election Code, as amended (Article 13.08, Vernon's Texas Election Code), is amended by adding Subsections (5), (6), and (7), to read as follows:

"(5) Notwithstanding any other provision of this section, an assessment shall not be made against a candidate who has filed with his application an affidavit of inability to make the payment required by Section 185a of this code. The affidavit shall be taken as an allegation of his inability to pay the assessment also, and the committee shall not take into account the candidacy of any person who has filed the affidavit when it apportions the estimated costs of the primaries among the candidates. When the county chairman mails the notices of the assessments to the other candidates, he shall not make a request for payment from a candidate who has filed the affidavit, but he shall mail to the candidate a statement of the amount which would have been assessed against him under the formula used by the county executive committee for determining the amount of assessment if the affidavit had not been filed.

"(6) In conducting the primary elections, the committee is authorized to utilize volunteer unpaid services of election judges and clerks, to accept gratuities of other services and other things of value, and to use funds derived from contributions, fund-raising events, and other lawful sources by way of supplementing the funds derived from assessments levied under this section.

"(7) If, after the committee has made the assessments authorized by Subsection (1) of this section, a court of competent jurisdiction declares the assessments to be invalid, the committee may reassess the candidates in an effort to bring the amounts within the court's delineation of permissible limits. In the event of a reassessment, the committee shall fix the date by which the new assessment must be paid, which date shall be at least 10 days after the date of the meeting at which the reassessment is made. Within 24 hours after adjournment of the meeting, the chairman shall give notice, in the manner required for notice of the original assessment, to each candidate who has not paid the original assessment. Within 30 days after the date of the meeting, the

county chairman shall refund to each candidate who paid the original assessment the difference between the amount of the original assessment and the new assessment."

Sec. 4. The Texas Election Code is amended by adding Section 186c, to read as follows:

"186c. Affidavit of inability to pay deposit, assessment, or fee

"Subdivision 1. If a candidate is financially unable to pay, in whole or in part, the amount which is levied against him either as a deposit, as an assessment, or as a fixed filing fee, in lieu of payment of the portion of the amount which he is unable to pay he shall file an affidavit of his inability to make the payment. The affidavit shall be filed with the appropriate chairman or chairmen under the same regulations and within the same time limit that apply to the payment for which the affidavit is substituted. This section applies to every payment which is required of any candidate in a primary election under any provision of this code.

"Subdivision 2. An affidavit filed under Subdivision 1 of this section may be contested either by the chairman with whom it is filed or by any candidate for the same office in that party's primary. Jurisdiction to determine the contest of an affidavit of a candidate for a statewide office or for the office of justice of the court of civil appeals is vested in the state chairman, and jurisdiction of the contest of an affidavit of a candidate for any other office is vested in the county chairman in the county of residence of the candidate whose affidavit is contested.

"Subdivision 3. Except as provided in Subdivision 11 of this section, the person bringing the contest (the contestant) must give written notice to the affiant (the contestee) not later than 10 days after the deadline for making the payment for which the affidavit is substituted. If the contest is brought by an opposing candidate, the contestant shall also give notice to the chairman having jurisdiction of the contest. Where no contest is brought within the allotted time, the allegations of the affidavit are taken as true and the candidate is not required to make the payment for which the affidavit is substituted.

"The chairman having jurisdiction of the contest shall set the time and

place for a hearing and shall give notice of the time and place to the contestant and the contestee. Notice actually received by the contestant and the contestee at least 24 hours in advance of the hearing is sufficient in all cases, the period of notice may be shortened to less than 24 hours with the consent of both the contestant and the contestee. The hearing must be held at a place within the county of residence of the contestee. After the hearing, the chairman shall make his determination and shall inform the contestant and the contestee of his decision. If he announces his decision immediately upon closing the hearing, no further notice to the contestant and contestee is required. If he announces his decision at a subsequent time, on the same day he shall notify the contestant and contestee of the decision by registered or certified mail, with return receipt requested.

"Subdivision 4. Either the contestant or the contestee may appeal from the chairman's decision by filing a petition for review, within five days after the date on which the chairman announces his decision (except as otherwise provided in Subdivision 11), in a district court in the county of residence of the contestee. The petition shall be filed as an ex parte proceeding styled 'In the matter of the candidacy of.....,' etc.; however, both the contestant and the contestee are entitled to present evidence at the hearing, which shall be de novo. The judge of the court shall set the matter for hearing, and the clerk shall give notice of the setting to the contestant and contestee and also to the chairman who heard the contest if he is not the contestant. Notice actually received by the contestant and the contestee at least 24 hours in advance of the hearing is sufficient in all cases, the period of notice may be shortened to less than 24 hours with the consent of both the contestant and the contestee. After the hearing, the judge shall make his determination on the basis of the evidence presented in court, and his determination is final.

"Subdivision 5. If no appeal is taken from the determination of the chairman, his decision becomes final on the sixth day after the date on which he announces it, except as provided in Subdivision 11.

"Subdivision 6. Upon a final determination that a candidate is able to pay any part of the amount for which his affidavit was filed as a substitute, he must make the payment to the extent of his ability as so determined within three days after the determination becomes final. The payment shall be in the form of cash, money order, cashier's check, or certified check, and it shall be made to the chairman to whom the full payment would have been made if the affidavit had not been filed. If it is determined that the candidate is unable to pay the full amount, he is excused from paying the portion which he is held to be unable to pay.

"Subdivision 7. Upon a hearing before either the chairman or the court, the burden of proof rests upon the candidate to sustain the allegation of his inability to make the payment in question. In making the determination, the chairman or the judge, as the case may be, shall be guided by the rules applicable to an affidavit of inability to pay the costs in a civil suit.

"Subdivision 8. Where a candidate who is subject to an assessment under Section 186 of this code files an affidavit of inability to pay, in whole or in part, the deposit required by Section 185a, the affidavit is deemed to include an allegation of his inability to pay the assessment also. If the affidavit is contested, the contestant may also put into issue the contestee's ability to pay the assessment. A hearing on the contest of the affidavit shall not be held until after the assessments have been made, and the ability to pay the deposit and the assessment shall be determined at the same time.

"Subdivision 9. Where the office sought by the candidate filing the affidavit is a district office for which an application is filed with more than one county chairman and the candidate alleges that he is able to pay part but not all of the amounts due, he shall make a payment of an equal percentage of the deposit or assessment in each county and shall file with each county chairman an affidavit of inability to pay the remainder. A contest filed either by an opposing candidate or by the chairman of any county in the district puts into issue all affidavits filed by the candidate, and the chairman

or the judge of the court having jurisdiction shall determine the extent of the candidate's ability to pay all or part of the amount which is payable in each county. Each county chairman shall be notified of the filing of the contest, of the date and place of the hearing, and of the determination made at each stage of the proceeding. In each instance the notice shall be given by the person who is responsible for notifying the principals of that particular action. If the final determination is that the candidate is not able to pay the full aggregate amount but is able to pay part of it, the amount which the candidate is required to pay shall be prorated among the counties in the ratio that the full amount of the levy in each county bears to the aggregate amount. The candidate shall pay the prorated amount to each chairman within the allotted time for payment. A candidate who makes the required payment in a county is entitled to have his name placed on the ballot in that county, even though he may fail to make the payment in some other county.

"Subdivision 10. If a contest has not been finally determined by the time that the ballots for absentee voting must be printed, the name of the candidate filing the affidavit shall be printed on the ballot to be used for the absentee voting, subject to being removed if the final determination is against him and he fails to make the payment within the time required by Subdivision 6. On ballots already printed, the name may be removed either by overprinting the ballots so as to blot out the candidate's name, by obliterating the name with a rubber stamp or other similar device, or by affixing blank stickers or pasters over the name; and this authorization for use of stickers or pasters for this purpose supersedes any contrary provision in Section 61e or any other section of this code. If the candidate's name is later removed from the ballot, any absentee ballots cast for him shall be disregarded for all purposes in determining the outcome of the election.

"Subdivision 11. (a) If the deadline for payment under an extended deadline for filing applications for the general primary election is on or after the 35th day before the primary, notice of an affidavit filed by a candi-

date under the extended deadline must be given to the contestee within three days after the deadline for making the payment for which the affidavit is substituted but not later than the 24th day before the primary, whichever date is earlier, and a petition for review of the chairman's decision must be filed in the district court within three days after the date on which the decision is announced. If no appeal is taken from the determination of the chairman, his decision becomes final on the third day after the date on which it is announced.

"(b) Notice of contest of an affidavit filed by a write-in candidate in the general primary who is one of the two highest candidates in a race for which no candidate received a majority of the votes must be given within three days after the deadline for payment of the fee or assessment, as stated in Section 187a of this code, and a petition for review of the chairman's decision must be filed in the district court within three days after the date on which the decision is announced. If no appeal is taken from the determination of the chairman, his decision becomes final on the third day after the date on which it is announced."

Sec. 5. Section 187, Texas Election Code, as amended (Article 13.09, Vernon's Texas Election Code), is amended to read as follows:

"187. Balloting at primaries; write-in votes

"(a) The vote at all primary elections shall be by official ballot, which shall have a detachable stub as described in Section 61 of this code. The name of the party shall be printed at the head of the ballot, and under such head shall be printed the names of all candidates, those for each nomination being arranged in the order determined by the county executive committee as herein provided for, beneath the title of the office for which the nomination is sought. The ballot shall also contain the instruction note prescribed in Section 61 of this code. The provisions of Subdivision 5 of Section 61 apply to the size and arrangement of the ballot.

"(b) Write-in votes are permitted for any office in the general primary election, and an appropriate space for a write-in candidate shall be provided on the general primary ballot under the title of each office, following the

names of the candidates; and if for any office there is no candidate whose name is to be printed on the ballot, the title of the office shall nevertheless be printed on the ballot with a space for a write-in candidate provided thereunder. The directions contained in Subdivision 5 of Section 61 apply to the manner in which the write-in space is provided. Write-in votes are not permitted in the second (runoff) primary, and an attempted write-in vote in the second primary is void and shall not be counted for any purpose.

"(c) The official ballot shall be printed in black ink upon white paper. The ballot shall be printed by the county committee in each county, which shall furnish to the presiding judge of the general primary for each voting precinct at least as many of such official ballots plus ten percent as there are registered voters in the precinct, as shown by the current list of registered voters.

"(d) Where two or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the same district, county, or justice precinct, such candidates shall be voted for and nominations made separately, and all such nominations shall be separately designated on the official ballots by numbering the same 'Place No. 1,' 'Place No. 2,' etc. Each candidate for such nomination shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the number of the nomination for which he desires to become a candidate, and the names of all candidates so requesting shall have their names printed beneath the title of the office and the number so designated. Each voter shall vote for only one candidate for each nomination."

Sec. 6. The Texas Election Code is amended by adding Section 187a, to read as follows:

"187a. Fees and assessments of write-in candidates

"Subdivision 1. Except as otherwise provided in Section 186c of this code, if a write-in candidate in the first primary receives a majority of the votes in that primary or is one of the two highest candidates in a race in which no candidate received a majority of the votes, his name shall not be certified to be placed on

the general election ballot as the party's nominee, or be placed on the second primary ballot, as the case may be, unless and until he pays to the chairman of the appropriate executive committee or committees the amount of the filing fee, if an office for which a fixed fee is prescribed, or the amount of the assessment against other candidates for the office, if an office subject to assessment by the county executive committee, or if no candidate's name was on the first primary ballot, the amount which would have been assessed under the formula used by the county executive committee for determining the amount of assessments. The fee or assessment shall be paid to the chairman or chairmen to whom it would have been paid if his name had appeared on the first primary ballot. If he is to be a candidate in the second primary, he must pay the fee or assessment within three days after the official canvass of the returns of the first primary by the committee which certifies his name for a place on the second primary ballot. If nominated in the first primary, he must pay the fee or assessment within 10 days after the official canvass. A payment required by this section must be received by the appropriate chairman by midnight of the last day for payment, and it is not sufficient to have mailed the payment to the chairman if it is not delivered by the deadline.

"Subdivision 2. If a write-in candidate who is to be a candidate in the second primary fails to pay the fee or assessment by the deadline for payment (or where he files an affidavit of inability to pay but it is determined that he is able to pay all or part of the amount and he fails to do so by the deadline), the remaining candidate shall be certified as the nominee and a runoff election for nomination to that office shall not be held."

Sec. 7. Paragraph (ii), Subsection (2), Section 190a Texas Election Code (Article 13.12a, Vernon's Texas Election Code), is amended to read as follows:

"(ii)—If the vacancy occurs on or after the fifth day preceding the regular filing deadline and more than 30 days before the day of the general primary election, nomination shall be made by primary election, and applications for the nomination for that office may be filed not later than 6 p.m. on the 20th day following the

occurrence of the vacancy. However, where the vacancy occurs less than 20 days before the 25th day preceding the primary, the deadline for filing is 6 p.m. on the 25th day preceding the primary. Except as otherwise provided herein, the application shall conform to the requirements and be governed by the provisions of Section 190 of this code. A candidate for an office for which a fixed filing fee is prescribed shall pay the fee at the time he files his application. A candidate for an office which is subject to assessment by the county executive committee shall accompany his application with the deposit required by Section 185a of this code where the application is filed before the meeting of the committee which is provided for in Section 186, and the county chairman shall notify him of the amount of the assessment and he shall pay the balance in accordance with the provisions of Subsection (1) of Section 186. A candidate filing after the date of the meeting is not required to accompany his application with the deposit, but he shall pay the full amount assessed against him by 6 p.m. on the seventh day after the date on which his application is filed or by 6 p.m. on the 25th day preceding the primary, whichever date is earlier. If the vacancy occurs after the meeting, or if for any other reason the amount to be assessed against the individual candidates for that office was not ascertained at the meeting, the county chairman shall compute the amount to be paid by each candidate, using the formula adopted by the committee as the basis for the computation. Immediately after the filing deadline, the chairman with whom the applications are filed shall take the necessary action to have the names of the candidates placed on the primary ballot. Where there is more than one candidate for the office and the order of the names of other candidates on the ballot has already been determined, the county chairman shall call a meeting of the primary committee and the primary committee shall determine by lot, in open meeting, the order in which the names of the candidates shall be printed on the ballot. If there is not more than one candidate for the office, the county chairman shall make any necessary changes in the ballot as previously made up by the primary committee."

Sec. 8. The following sections of the Texas Election Code are repealed:

Section 186a, as amended (Article 13.08a, Vernon's Texas Election Code), Section 186a-1 (Article 13.08a-1), and Section 194, as amended (Article 13.16).

Sec. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 10. (a) This Act is enacted as a contingent, temporary law, to become effective only as stated in Subsection (b) of this section; and if it does become effective, it expires on December 31, 1972.

(b) This Act becomes effective only upon the condition that, before January 1, 1972:

(1) the Supreme Court of the United States does not dispose of the appeal filed in that court from the judgment of the United States District Court for the Northern District of Texas, Dallas Division, in Civil Action No. CA 3-3635-C, styled Van Phillip Carter vs. Martin Dies, Jr., et al., by action which becomes final before January 1, 1972; or

(2) the Supreme Court of the United States affirms or refuses to review the judgment of the district court in the aforesaid case, or by other action taken upon an appeal of that case the Supreme Court rules that either of the following sections of the Texas Election Code as they exist before the amendments made by this Act violates the Constitution of the United States: Sections 185a, 186, 186a, 193, and 194.

(c) Not later than January 5, 1972, the Attorney General of Texas shall certify to the Governor and to the Secretary of State whether either of the two conditions stated in Subsection (b) has been fulfilled, and the Governor immediately shall issue his proclamation declaring whether this Act becomes effective. If either of the conditions for effectiveness is fulfilled, the Act takes effect on the date of the Governor's proclamation.

(d) If this Act takes effect, upon its expiration on December 31, 1972, the law as it existed before the effective date of the Act again becomes operative until otherwise provided by the Legislature.

Sec. 11. The importance of this legislation and the crowded condition of the calendars in both houses create an

emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

The amendment was read.

Senator McKool raised the Point of Order that the subject of the amendment by Senator Creighton was not within the Governor's call.

The President Pro Tempore overruled the Point of Order.

Senator McKool then moved to table the amendment by Senator Creighton.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

Yeas—12

Beckworth	Kennard
Bernal	Mauzy
Christie	McKool
Harrington	Patman
Hightower	Schwartz
Jordan	Wallace

Nays—18

Aikin	Herring
Bates	Kothmann
Blanchard	Moore
Bridges	Ratliff
Brooks	Sherman
Connally	Snelson
Creighton	Watson
Grover	Wilson
Harris	Word

Absent

Hall

(President in Chair).

Senator McKool offered the following amendment to the amendment to the bill:

Amend Section 2, Sub. Sec. 1, page 2 by striking the word "five" and inserting in lieu thereof the word "two" on line 46.

The amendment to the amendment was read and failed of adoption by the following vote:

Yeas—15

Aikin	Beckworth
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Bernal	Mauzy
Christie	McKool
Connally	Patman
Harrington	Schwartz
Hightower	Wallace
Jordan	Wilson
Kennard	

Nays—15

Blanchard	Kothmann
Bridges	Moore
Brooks	Ratliff
Creighton	Snelson
Grover	Sherman
Hall	Watson
Harris	Word
Herring	

Absent

Bates

Question recurring on the adoption of the amendment by Senator Creighton, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

Yeas—19

Aikin	Harris
Bates	Herring
Blanchard	Kothmann
Bridges	Moore
Brooks	Ratliff
Christie	Sherman
Connally	Snelson
Creighton	Watson
Grover	Word
Hall	

Nays—12

Beckworth	Mauzy
Bernal	McKool
Harrington	Patman
Hightower	Schwartz
Jordan	Wallace
Kennard	Wilson

Senator Creighton offered the following amendment to the bill:

Amend Senate Bill No. 5 by striking all above the enacting clause and substituting the following:

A BILL
TO BE ENTITLED

An Act enacting temporary provisions relating to the method of conducting and financing primary elections and to the fees, assessments, and deposits levied against candi-

dates; amending the Texas Election Code as follows: amending Section 185a, as amended (Article 13.07a, Vernon's Texas Election Code) by adding Subsection (3); amending Subsection (1), Section 186, as amended (Article 13.08); amending Section 186, as amended (Article 13.08), by adding Subsections (5), (6), and (7); adding Section 186c; amending Section 187, as amended (Article 13.09); adding Section 187a; amending Paragraph (ii), Subsection 2, Section 190a (Article 13.12a); repealing Section 186a, as amended (Article 13.08a), Section 186a-1 (Article 13.08a-1), and Section 194, as amended (Article 13.16); making the Act effective only upon the occurrence of certain conditions and fixing the expiration date if the Act becomes effective; and declaring an emergency.

The amendment was read and was adopted.

Record of Vote

Senator McKool asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator McKool and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 5 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 5 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Herring
Bates	Hightower
Beckworth	Kennard
Blanchard	Kothmann
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Sherman
Creighton	Snelson
Grover	Watson
Hall	Word
Harris	

Nays—8

Bernal	McKool
Harrington	Schwartz
Jordan	Wallace
Mauzy	Wilson

Articles Ordered Printed in Senate Journal

On motion of Senator Bernal and by unanimous consent, the following articles were ordered printed in the Senate Journal:

SENATE BILL COULD BOOST FILING FEES BY 12 TIMES

By REID BEVERIDGE
Chronicle Austin Bureau

Austin—Despite a federal court order demanding that the legislature lower filing fees for elective offices, the state Senate has approved a bill that could result in some fees being as much as 12 times more than they are now.

The senate voted 21-9 Tuesday to substitute language drafted by Sen. Tom Creighton for a bill being offered by Sen. Mike McKool of Dallas in an effort to comply with the order of a three-judge federal court in Dallas two weeks ago.

McKool, who is chairman of the Senate Privileges and Elections Committee, had brought out a bill that would set the top filing fee for elective office at \$1,000 for statewide elective officials, with fees graduated downward for local officials.

Fees up to \$8500

The fee for governor, U.S. senator and other statewide offices is now \$1000, but many local fees, especially for district judges, often run as high as \$8500.

However, under the substitute offered by Creighton, the fees could be set by the parties' state executive committee at up to 5 percent of the total salary to be received by the officeholder during the term for which he would be elected.

For the U.S. Senate, which is a six-year term, this might result in a filing fee up to \$12,750 and for governor, which is a two-year term, \$5500.

Called Illegal

McKool immediately called Creighton's substitute unconstitutional and predicted it will be struck down by

the federal judges. He voted against the revised bill, but said he allowed it to go forward because some vehicle was needed to present to the federal court. He also noted that it might be amended in the House.

"The secretary of state has told this Senate that this amendment will not be held constitutional," McKool said of Martin Dies Jr.'s testimony before his committee.

"The state in effect has imposed a wealth requirement on the candidate. Wealth never has been considered a consideration on the effective participation in government," McKool said.

He noted that the federal court had ruled that Texas could not collect high filing fees when:

- They are used as a revenue collecting measure in order to finance the primary.

- When paying the filing fee is an absolute prerequisite for getting on the ballot.

Creighton's substitute provides that a poor candidate can file a pauper's oath. However, that oath could be challenged either by the individual's opponent or the county chairman.

McKool noted that both Creighton and Sen. Charles F. Herring of Austin, who is the attorney for the State Democratic Executive Committee, believe Creighton's language will pass the federal court muster.

"I do believe that the amendment would meet any objection the U.S. Supreme Court would have," Herring said.

He charged that McKool's version of the bill would raise the filing fee for the state Senate to \$500, while he is now paying about \$175.

Elective Secretary

However, under the Creighton amendment, the state Senate filing fee could be raised to \$960, double the amount that could be charged a state representative because of the four-year term for senators.

The Senate also approved and sent to the House a bill that would make the office of secretary of state elective rather than appointive by the governor.

Harris County members voting for the potentially higher filing fees were Sens. Chet Brooks of Pasadena and Henry C. Grover of Houston.

Voting against were Sens. Barbara Jordan of Houston, A. R. (Babe) Schwartz of Galveston and James P. Wallace of Houston.

McKool said the reason for making the secretary of state elective is that he is becoming extremely powerful in the area of election laws and should be answerable to the people rather than to the governor.

ELECTION LAWS MAY NOT MEET TEST

By JON FORD

San Antonio Express/News—Sunday

May 30, 1971

Ford, chief of the Express-News Austin Bureau, is a longtime observer of Texas affairs.

AUSTIN—Key Texas election laws may remain as unconstitutional after the legislature adjourns as federal courts found them last year.

The Democratic party apparatus and legislative ineptness proved a heavy burden for reformers to carry even with the aid of court orders. Legislative and state governmental leadership obviously showed something less than all-consuming interest in the important issue, considering it has been allowed to drag on unresolved until closing weekend of the lawmaking session.

Legislators could bring a quick end to differences over voter registration. A federal court decision invalidated Texas' annual voter registration requirement and complained that the Jan. 31 closing date for qualifying to vote is too remote from the November general election. Lawmakers promptly responded last January with emergency action to extend the registration period through February.

After that burst of enthusiasm, the pace slowed; but by late March, the Senate did approve a commendable form of permanent registration. Under its terms voters could remain eligible after an initial sign-up simply by participating in a primary or general election every four years. After more than a month of delay, the House snubbed the Senate-passed bill and passed its own, providing for registration over a two-year period, with eligibility automatically extended by voting. Under the House version, college students dependent on their parents for support

would have to vote in their home towns.

As of Friday, a conference committee had not yet adjusted final differences, as sponsors Sen. Mike McKool and Rep. J. W. Stroud of Dallas continued to work at cross-purposes. Hope remained of compromise here, since a conference report can be disposed of in a matter of seconds once agreed on.

Less hopeful was outlook for meaningful reduction of political filing fees. A federal court at Dallas Dec. 21 threw out as unconstitutional the entire fee structure by which Texas primary elections are financed. Fees, the court contended, violate constitutional rights when they are used as a revenue-collecting device and when they are an absolute requirement for a candidate to get his name on the ballot.

A bill with fee structure carefully worked out by Secretary of State Martin Dies Jr., the chief Texas election officer, after consultations with the court, was introduced by McKool and Stroud. That is where the Democratic party's grassroots organization began to react to protect its own power and vanities.

The bill proposed "unitary" primaries (jointly financed by the state and counties) where both Republican and Democratic voters cast ballots at the same polling place under bi-partisan supervision.

County party chairmen hit the ceiling when they discovered the legislation would take out of their hands collection of filing fees and most other election duties. County clerks, under the original McKool-Stroud bills, would collect local candidates' fees and ramrod the county primary election process. The secretary of state would collect fees of statewide and district officials.

Party stalwarts were successful in dumping the careful fee schedule mapped by Dies to meet the court's objections, and inserting in the Senate bill an assessment level which could go as high as five per cent of an official's salary for his full elective term. In many cases, obviously, this meant higher fees than those already held unconstitutional by the court. The amended bill did seek to meet the court test by providing for write-in candidacies and allowing candidates to get on the ballot free by filing a pauper's oath.

Message From Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas,
June 3, 1971.

To the Members of the 62nd Legislature, First Called Session:

I hereby submit as additional subjects for consideration in the First Called Session, the following legislation:

1. To enact legislation to cover only the following errors in language, statutory references, calculations and unintentional omissions in Senate Bill No. 11, 62nd Legislature, Regular Session, as follows:

(a) Under the Industrial Accident Board at page III-82 change item 9 to read "Consumable supplies and materials, current and recurring operating expense (excluding travel expense) and necessary expenses for computer" and change the annual amount for item 9 to \$358,549 in 1972 and \$363,206 in 1973.

(b) Under the Industrial Accident Board at page III-82 and page III-83 add the following classifications:

Group 20		
1056	Prehearing Examiner, Industrial Accident Board	9
Group 19		
1551	Staff Services Officer I	4
Group 16		
0233	ADP Supervisor III	1
0260	Systems Analyst I	1
1163	Accountant III	1
Group 15		
1503	Administrative Technician III	17
Group 14		
0240	ADP Programmer I	1
Group 11		
1502	Administrative Technician II	7
Group 8		
1501	Administrative Technician I	14
1003	Accounting Clerk III	1
1703	Personnel Clerk III	1
Group 6		
0055	Clerk III	16

(c) Under the Industrial Accident Board at page III-82 change the annual amount for item 5 to \$1,059,212 in 1972 and \$1,127,915 in 1973.

(d) Under the Coordinating Board at page IV-17, change item 16(b) to read: "Texas Osteopathy Scholarships and Operating Expense."

(e) At page V-55, Section 60, change the reference S. B. 209 to S. B. 908.

(f) Under Texas Public Junior Colleges—State Aid at page IV-19, change the amount for Vernon Regional Junior College in 1973 to \$408,080.

(g) Under West Texas Children's Home at page II-40, change the amount for item 2 to \$12,500 in 1973.

(h) Under the Alcoholic Beverage Commission at page III-13 add the following classifications:

Group 20

1553 Staff Services Officer II

(i) Under the Board of Control at page III-40, change the amount in item 2 to \$21,500 in 1972.

(j) Under the General Land Office at page III-93, change item 17 to read "Consumable supplies and materials, current and recurring operating expense (excluding travel expense), capital outlay and professional fees and services."

(k) Under the Soil and Water Conservation Board at page III-138, change the annual amounts in item 3 to \$107,624 for 1972 and \$115,008 for 1973.

(l) Under the Rodent and Predatory Animal Control Service at page IV-49, change the annual amounts in item 2 to \$512,850 for each year of the biennium.

(m) Under the Railroad Commission at page III-116, change the annual amounts on the following items as specified:

item 2, \$24,000 each year	
item 3, \$25,000 each year	
item 4, \$22,500 each year	
item 5, \$22,500 each year	
item 6, \$22,500 each year	
item 7, \$22,500 each year	
item 8, \$22,000 each year	
item 9, (\$21,000 each),	\$84,000
each year	
item 10, (\$21,000 each),	\$42,000
each year	
item 11, (\$21,000 each),	\$42,000
each year	
item 12, \$21,000 each year	

(n) Under the Aeronautics Commission at page III-4, change the annual amounts in item 5 to \$16,500 in 1972 and \$17,000 in 1973.

(o) Under the Judiciary Section, Comptroller's Department, at page I-13, add an item 10 as follows and renumber subsequent item numbers accordingly:

Salary of Criminal District Attorney for Eastland County as per Senate Bill No. 1024 of the Sixty-second Legislature, 1971, \$6,300 (1972) and \$6,300 (1973).

(p) Under the Special Provisions relating to all Hospitals, Special Schools, Youth Institutions, and agencies or offices of Article II, Section 2, Salary Provisions. a. Exempt Positions, at page II-41, delete the letters M.D. following the title of Assistant to Deputy Commissioner, Mental Retardation.

(q) On page IV-62 under Texas Tech University School of Medicine at Lubbock on the line that reads "year enrollment of 100 undergraduate medical students upon completion," change to read "year enrollment of 200 undergraduate medical students upon completion."

(r) Under the General Provisions at page V-52 add a new Section 50 as follows and renumber sections accordingly:

"Sec. 50. STATEWIDE TELEPHONE NETWORK. The Governor is hereby authorized to enter into service contracts with telephone companies serving areas in which offices of State agencies are situated for a consolidated statewide telephone network that will be available to all State agencies. For the biennium ending August 31, 1973, the Governor is authorized to approve expenditures not to exceed the sum of \$35,000.00 for installation charges that may be incurred in establishing the telephone network for State agencies. Upon establishment of the network, the Governor shall certify to the Comptroller the amounts which are to be transferred from the applicable appropriation items and accounts of the State agencies and the Comptroller shall establish a special operating fund for the amounts so certified.

(s) Under the Office of Community Affairs at page III-66 change the references to S. B. 385 in the second paragraph to S. B. 494.

(t) Under the General Provisions at page V-28 on the sixth full paragraph change Step 7 to Step 8.

(u) Under the Texas Rehabilitation Commission at page III-122, page III-123 and page III-124, add the following classifications:

Group 21

5510 Regional Director

Group 20

1153 Staff Services Officer II
 0249 Systems Analyst II
 Group 19
 5511 Assistant Regional Director
 5513 Program Specialist II
 5514 Chief of Program Evaluation
 Group 18
 5512 Program Specialist I
 5515 Supervisor, Vocational Rehabilitation
 Group 17
 1733 Personnel Officer III
 Group 16
 5378 Coordinator of Rehabilitation
 Group 14
 0227 ADP Equipment Operator IV
 0240 ADP Programmer I
 Group 12
 1946 Purchasing & Supply Officer I
 5212 Caseworker II
 Group 11
 4385 Nurse II
 Group 8
 0205 Key Punch Operator III
 0247 Magnetic Tape Librarian
 Group 7
 0245 ADP Record Control Clerk II
 Group 4
 1701 Personnel Clerk I
 5502 Community Services Aide II
 (v) Under Other Provisions at page V-54, delete in its entirety Section 56.
 (w) Under Other Provisions add Section 59 to read as follows:
 "None of the funds appropriated in this Act shall be expended by agencies which practice racial discrimination in the employment of personnel."

Respectfully submitted,
 PRESTON SMITH,
 Governor of Texas.

Senate Bill 6 On First Reading

The following bill was introduced, read first time and referred to the Committee indicated:

By Senator Watson:

S. B. No. 6, A bill to be entitled "An Act relating to the salaries of justices of the peace and constables in certain counties; and declaring an emergency."

To Committee on County, District and Urban Affairs.

Report Of Standing Committee

By unanimous consent, Senator Hall submitted the following report

for the Committee on County, District and Urban Affairs:

S. B. No. 6.

Senate Bill 6 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, S. B. No. 6 was ordered not printed.

Senate Bill 6 On Second Reading

Senator Watson moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 6 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 6, A bill to be entitled "An Act relating to the salaries of justices of the peace and constables in certain counties; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 6 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 6 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Senate Bill 7 On First Reading

The following bill was introduced, read first time and referred to the Committee indicated:

By Senators Aikin, Schwartz, Christie and Creighton:

S. B. No. 7, A bill to be entitled "An Act amending Senate Bill No. 11, Acts of the 62nd Legislature, Regular Session, 1971, to correct errors in language, statutory references, calculations and unintentional omissions; providing an effective date; and declaring an emergency."

To Committee on Administration.

Report of Standing Committee

By unanimous consent, Senator Hightower submitted the following report for the Committee on Administration:

S. B. No. 7.

Senate Bill 7 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent, S. B. No. 7 was ordered not printed.

Senate Bill 7 On Second Reading

Senator Aikin moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 7 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid before the Senate on its second reading and pas-

sage to engrossment the following bill:

S. B. No. 7, A bill to be entitled "An Act amending Senate Bill No. 11, Acts of the 62nd Legislature, Regular Session, 1971, to correct errors in language, statutory references, calculations and unintentional omissions; providing an effective date; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Senate Bill 7 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 7 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Notice Of Executive Session

Senator Christie gave notice that he would move for an Executive Session at 2:05 o'clock p.m. today.

Recess

On motion of Senator Aikin the Senate at 11:32 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 2:00 o'clock p.m. today.

Message From the House

Hall of the House of Representatives
Austin, Texas,
June 3, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 2, In memory of Ben E. (Bennie) Ray.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 2

Senator Aikin offered the following resolution:

S. C. R. No. 2, Providing for sine die adjournment of the First Called Session of the Sixty-second Legislature at 6:00 o'clock p.m. Friday, June 4, 1971.

AIKIN

Signed—Lieutenant Governor Ben Barnes; Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Kennard and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as co-authors thereof.

On motion of Senator Aikin the resolution was adopted.

Executive Session

The President Pro Tempore announced the time had arrived for the Executive Session. (Senator Christie having given notice today.)

Accordingly, the President Pro Tempore directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be a Member of the Board of Pardons and Paroles: For a term ending January 31, 1975; William H. Skelton, Lubbock, Lubbock County.

To be Branch Pilots for the Sabine Bar, Pass and Tributaries: For four-year terms to expire February 1, 1975; Captain James William Throgmorton, Groves, Jefferson County; Captain Daniel Joseph Bromley, Groves, Jefferson County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 2:24 o'clock p.m.

Senate Bill 8 On First Reading

The following bill was introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 8, A bill to be entitled "An Act relating to the filing of financial statements by certain persons; amending Section 4, Chapter 100, Acts of the 55th Legislature, Regular Session, 1957, as amended by adding a new Subsection (p), (Article 6252-9, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

Bill Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 3.

Memorial Resolutions

S. C. R. No. 3—By Senator Moore: Memorial resolution for Gardiner Symonds.

H. C. R. No. 2—Memorial resolution for Ben E. (Bennie) Ray.

S. R. No. 8—By Senator Watson: Memorial resolution for Eddie Dean Baker.

S. R. No. 9—By Senator Watson: Memorial resolution for Mrs. Albert (Thomas) Garrett.

S. R. No. 10—By Senator Watson: Memorial resolution for Charles Jackson Barber.

S. R. No. 11—By Senator Watson: Memorial Resolution for Mrs. Frances Cathleen Blankenship.

S. R. No. 12—By Senator Watson: Memorial resolution for Daniel F. Davis.

S. R. No. 13—By Senator Watson: Memorial resolution for Mrs. John Thomas Davis II.

S. R. No. 14—By Senator Watson: Memorial resolution for Mrs. R. E. (Inez) Gressett.

Adjournment

On motion of Senator Aikin the Senate at 2:35 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

FOURTH DAY

(Friday, June 4, 1971)

The Senate met at 9:30 o'clock a.m., and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Hightower	Word

Absent—Excused

Herring

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of yesterday was dispensed with and the Journal was approved.

The Reverend W. H. Townsend, Chaplain, offered the invocation.

Leave of Absence

Senator Herring was granted leave

of absence for today on account of important business on motion of Senator Aikin.

Senate Resolution 18

Senator Aikin offered the following resolution:

Whereas, The Senate of the State of Texas is honored today by the presence of Steven Snelson, son of Senator and Mrs. W. E. (Pete) Snelson of Midland; and

Whereas, Steven is a fine young man, interested in the affairs of State government; and

Whereas, Steven is in the Capital City to observe the Texas Legislature in Session; now, therefore, be it

Resolved, That the Senate of the State of Texas extend to him, young Texas citizen, its warmest welcome; and that Steven be made an Honorary Page of the Senate for the day of June 4, 1971; and, be it further

Resolved, That a copy of this Resolution, bearing the seal of the Senate, be prepared for Steven as a memento of his visit in the Texas Senate.

The resolution was read and was adopted.

Senate Resolution 19

Senator Aikin offered the following resolution:

Whereas, The Senate of the State of Texas is honored today by the presence of Gene Snelson, son of Senator and Mrs. W. E. (Pete) Snelson of Midland; and

Whereas, Gene is a fine young man, interested in the affairs of State government; and

Whereas, Gene is in the Capital City to observe the Texas Legislature in Session; now, therefore, be it

Resolved, That the Senate of the State of Texas extend to him, young Texas citizen, its warmest welcome; and that Gene be made an Honorary Page of the Senate for the day of June 4, 1971; and, be it further

Resolved, That a copy of this Resolution, bearing the seal of the Senate, be prepared for Gene as a memento of his visit in the Texas Senate.

The resolution was read and was adopted.